

ORIGINAL

CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TX  
FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

DEPUTY CLERK MS

UNITED STATES OF AMERICA

v.

NO. 4:20-cr-269-Y

ERIC PRESCOTT KAY

**SUPERSEDING INDICTMENT**

The Grand Jury charges:

Count One

Conspiracy to Possess with Intent to Distribute a Controlled Substance  
(Violation of 21 U.S.C. § 846)

Beginning in or before 2017, the exact date being unknown to the Grand Jury and continuing until in or around July 2019, in the Northern District of Texas and elsewhere, the defendant, **Eric Prescott Kay**, and others, did knowingly and intentionally combine, conspire, confederate, and agree with others both known and unknown to the Grand Jury to commit the following offense against the United States: to possess with the intent to distribute and to distribute a controlled substance, to wit: a mixture or substance containing a detectable amount of oxycodone and a mixture or substance containing a detectable amount of fentanyl, Schedule II controlled substances, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C).

All in violation of 21 U.S.C. § 846.

Count Two

Distribution of a Controlled Substance Resulting in Death and Serious Bodily Injury  
(Violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C))

On or about June 30, 2019, in the Fort Worth Division of the Northern District of Texas, **Eric Prescott Kay**, the defendant, did knowingly and intentionally distribute a mixture and substance containing a detectable amount of fentanyl, a Schedule II controlled substance, and the use of said substance resulted in the death and serious bodily injury of T.S.

In violation of 21 U.S.C. § 841(a)(1), the penalty for which is found at 21 U.S.C. § 841(b)(1)(C).

Forfeiture Notice  
(21 U.S.C. § 853(a))

Upon conviction for the offense alleged in Count One of this Superseding Indictment and pursuant to 21 U.S.C. § 853(a), the defendant, **Eric Prescott Kay**, shall forfeit to the United States of America all property, real or personal, constituting, or derived from, the proceeds obtained, directly or indirectly, as the result of the offense and any property, real or personal, used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the offense.

A TRUE BILL:



FOREPERSON

CHAD E. MEACHAM  
ACTING UNITED STATES ATTORNEY



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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

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THE UNITED STATES OF AMERICA

v.

ERIC PRESCOTT KAY

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SUPERSEDING INDICTMENT

21 U.S.C. § 846

Conspiracy to Possess with Intent to Distribute a Controlled Substance  
(Count 1)

21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

Distribution of a Controlled Substance Resulting in Death and Serious Bodily Injury  
(Count 2)

21 U.S.C. § 853(a)

Forfeiture Notice

2 Count

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A true bill rendered



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DALLAS

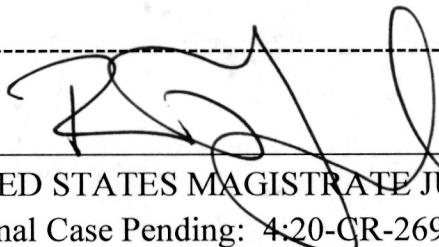
FOREPERSON

Filed in open court this 2nd day of November, 2021.

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No Warrant Needed

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UNITED STATES MAGISTRATE JUDGE  
Criminal Case Pending: 4:20-CR-269-Y